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October 27, 2008

Via E-file

Honorable Howard R. Lloyd
Northern District of California
280 South First Street
San Jose, CA 95113

Re: *Coupons, Inc. v. Stottlemire*; Case No. 5:07-cv-03457
Stipulation to extend ENE deadline

Dear Judge Lloyd:

Attached is a stipulation and proposed order to extend the deadline for the Early Neutral Evaluation. The current deadline is October 31, 2008, and the parties seek to extend the deadline to December 19, 2008. As set forth in the stipulation, the parties were unable to find a mutually acceptable date prior to the October 31 deadline, but together with the evaluator, Mr. Harold McElhinny, the parties have agreed to conduct the ENE session on November 13, 2008 pending an order from the Court extending the deadline.

I informed Mr. Stottlemire that I would draft a stipulation to extend the ENE deadline, and I sent him the attached stipulation for his review on October 21, 2008. However, he informed me he would be away from email from October 21 through November 1, and I have not received a response from him regarding this stipulation. He has, though, agreed to the November 13 date.

The ENE deadline will expire prior to the time Mr. Stottlemire stated he would again have access to email, and so I am filing the stipulation and proposed order without Mr. Stottlemire's signature. If we do not hear from the Court by the time Mr. Stottlemire returns, we will contact him again for his signature. I appreciate the Court's consideration of the issue.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D M Cusack', written over a horizontal line.

Dennis M. Cusack

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cc: John Stottlemire (w/encl.) Stipulation

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6 Attorneys for Plaintiff
7 COUPONS, INC.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11
12 COUPONS, INC.,

13 Plaintiff,

14 vs.

15 JOHN STOTTLEMIRE, and DOES 1-10,

16 Defendants.

Case No. 5:07-CV-03457 HRL

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DEADLINE FOR
CONDUCTING EARLY NEUTRAL
EVALUATION**

[N.D. ADR Local Rule 5-5]

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18 Plaintiff Coupons, Inc. and Defendant John Stottlemire hereby submit this Stipulation to
19 extend the deadline for conducting the Early Neutral Evaluation ("ENE") session.

20 WHEREAS, Judge Lloyd previously extended the deadline to conduct the ENE session
21 from May 6, 2008 to June 30, 2008, then to July 18, 2008, then to August 22, 2008, and then to
22 October 31, 2008;

23 WHEREAS, the prior extensions were sought in order to accommodate the briefing
24 schedule and to await the decision on the second motion to dismiss, and then to accommodate the
25 schedules of the parties and the appointed evaluator, Harold McElhinny;

26 WHEREAS, the Defendant Mr. Stottlemire subsequently filed a third motion to dismiss
27 and a motion for sanctions, and these matters will be heard on November 4, 2008;

28
STIP AND [PROPOSED] ORDER TO EXTEND
DEADLINE FOR CONDUCTING EARLY NEUTRAL
EVALUATION 5:07-CV-03457 HRL

1 WHEREAS, the parties have conferred with each other and Mr. McElhinny regarding the
2 ENE session and have attempted in good faith to schedule the session; and

3 WHEREAS, the parties and Mr. McElhinny have mutually agreed to conduct the ENE
4 session on November 13, pending an order from the Court extending the ENE deadline.

5 IT IS HEREBY STIPULATED by and between the parties hereto that the deadline for
6 conducting the ENE session will be extended to December 19, 2008.

7 Dated: October 21, 2008

FARELLA BRAUN & MARTEL LLP

8
9 By: /s/
Dennis M. Cusack

10 Attorneys for Plaintiff
11 COUPONS, INC.

12 Dated: October 21, 2008

13
14 By: _____
15 John Stottlemire
16 Defendant, *pro se*

17 **ORDER**

18 Good cause appearing therefor, IT IS HEREBY ORDERED that the deadline for
19 conducting the ENE session will be extended to December 19, 2008.

20
21 DATED: _____

22 The Honorable Howard R. Lloyd
23 Judge of the United States District Court

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On this date I served the within document(s):

X BY ELECTRONIC FILING: the within document(s), the automatically generated notification for which constitutes service pursuant to General Order 45, Section IX(A) and (B).

John Stottlemire
33103 Lake Garrison Street
Fremont, CA 94555

Harold J. McElhinny
Morrison & Foerster
425 Market Street
San Francisco, CA 94105

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed in San Francisco, California on **October 27, 2008**.

/s/
Lawrence L. Coles